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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,)
)
8 Plaintiff,) Case No. CR06 -389 JCC
)
9 v.)
)
10 AHMAD SAMIR SARHAN,) **PROPOSED FINDINGS OF**
) **FACT AND DETERMINATION**
) **AS TO ALLEGED**
11 Defendant.) **VIOLATIONS OF**
) **SUPERVISED RELEASE**
12

13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on November
15 17, 2008. The defendant appeared pursuant to a bond. The United States was represented by
16 Michael Scoville, and defendant was represented by Carol Koller. Also present was U.S.
17 Probation Officer Brian Facklam. The proceedings were digitally recorded.

18 SENTENCE AND PRIOR VIOLATIONS

19 On October 12, 2005, the Honorable Lonnie R. Suko sentenced defendant to 8 months of
20 imprisonment and three years of supervision following defendant's plea to conspiracy to commit
21 credit card fraud. On October 16, 2006, the probation office notified the Eastern District of
22 Washington that defendant had been arrested for driving under the influence (DUI). The court
23 ordered no action be taken, pending the outcome of the charge and transferred jurisdiction to the

1 Western District of Washington on October 24, 2006. In March, 2007 a violation notice and
2 request for no action was submitted to the court alleging defendant had committed assault.

3 Because defendant was contesting both the driving under the influence and assault charges, the
4 probation office recommended no action until the criminal charges were resolved in the state
5 courts. After the assault charge was resolved, defendant agreed to a modification of 60 days
6 home confinement and a drug testing/treatment condition. The court signed a modification
7 August 17, 2007.

8 PRESENTLY ALLEGED VIOLATIONS AND
9 DEFENDANT'S ADMISSION OF THE VIOLATION

10 In a petition dated October 17, 2008, Supervising U.S. Probation Officer Brian Facklam
11 alleged that defendant violated the following conditions of supervised release:

12 1. Committing the offense of driving under the influence on or about September 12, 2008 in
13 violation of the condition that defendant not commit another crime.

14 2. Committing the offense of driving under the influence on or about October 12, 2008 in
15 violation of the condition that defendant not commit another crime.

16 3. Using marijuana on or before October 2, 2008, in violation of standard condition seven.


17 The parties stipulated to the admissibility of Exhibit 1 (law enforcement narrative report of
18 defendant's arrest) and Exhibit 2 (DWI arrest report). The exhibits, established defendant was
19 arrested on or about September 12, 2008 for driving under the influence and that a breath test
20 showed defendant had a blood-alcohol level of between .111 and .113. Based on this evidence,
21 the court found that defendant had committed violation one. Defendant admitted violation three.
22 He was advised of his right to an evidentiary hearing and waived any hearing as to whether the
23 violations occurred. The court granted the government's motion to dismiss violation two.

1 4. Defendant was advised that a disposition hearing was scheduled for December 5, 2008, at
2 9 AM before the Honorable John C. Coughenour. Defendant remains in the community.

3 RECOMMENDED FINDINGS AND CONCLUSIONS

4 Based upon the foregoing, I recommend the court find that defendant has violated the
5 conditions of his supervised release as alleged above, and conduct a disposition hearing.

6 DATED this 17th day of November, 2008.

7
8 
9 BRIAN A. TSUCHIDA
United States Magistrate Judge